[20794/0204878-US0]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Hans-Werner Boettcher et al.
Serial No.	:	10/576,455
Filed	:	April 20, 2006
For	:	METHOD FOR DRYING LAUNDRY AND LAUNDRY DRYER FOR CARRYING OUT SAID METHOD
Art Unit	:	3743
Examiner	:	J. Lu
Confirmation No.	:	2425

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANTS' REPLY BRIEF ON APPEAL UNDER 37 C.F.R. § 41.41

Dear Sir:

Appellants submit this reply brief for the consideration of the Board of Patent Appeals and Interferences (the "Board") in response to the Examiner's Answer mailed August 12, 2009.

RELATED APPEALS AND INTERFERENCES

There are no other prior or pending appeals, interferences or judicial proceedings known by the undersigned, or believed by the undersigned to be known to Appellants "which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal."

STATUS OF CLAIMS

Claims canceled: 1-5, 7 and 9

Claims withdrawn from consideration but not canceled: None

Claims pending: 6, 8 and 10

Claims allowed: None

Claims rejected: 6, 8 and 10

Claims On Appeal

The claim on appeal is claim 6

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Whether claim 6 is unpatentable under 35 U.S.C. § 103(a) based on U.S. Patent No. 4,268,247 to Freze and U.S. Patent No. 4,326,342 to Schregenberger.

2. Whether claim 6 is unpatentable under 35 U.S.C. § 103(a) based on U.S. Patent No. 4,549,362 to Haried and Schregenberger.

3. Whether claim 6 is unpatentable under 35 U.S.C. § 103(a) based on German Patent No. DE 2220425 to Heissmeeier and Schregenberger.

4. Whether claim 6 is unpatentable under 35 U.S.C. § 103(a) based on Freze and U.S. Patent No. 3,538,614 to Weimer et al. ("Weimer").

5. Whether claim 6 is unpatentable under 35 U.S.C. § 103(a) based on Haried and Weimer.

6. Whether claim 6 is unpatentable under 35 U.S.C. § 103(a) based on Heissmeeier and Weimer.

ARGUMENTS IN RESPONSE TO EXAMINER'S ANSWER MAILED AUGUST 12, 2009

1. Rejection of claim 6 under 35 U.S.C. § 103(a) based on U.S. Patent No. 4,268,247 to Freze in view of U.S. Patent No. 4,326,342 to Schregenberger.

It is respectfully submitted that the Appellant has not narrowly interpreted the prior art references, as asserted in the Examiner's Answer. See Examiner's Answer, page 11, 18-19. In contrast, Appellants have considered that which is disclosed in the cited references, and contend that the features recited in claim 6 would not have been obvious in view of what was disclosed in the references. It is respectfully submitted that, although the claims should be examined in accordance with their broadest reasonable interpretation, the references need not be interpreted and should only be read fairly based on that which it discloses.

Moreover, it is respectfully submitted that, contrary to the assertion set forth in the Office Action, Appellants' arguments do not rely on features which are not recited in the claims. See Examiner's Answer, page 11, 20-22. Specifically, in contrast to the assertion in the Examiner's Answer, claim 6 does recite -controlling a flow dividing device based on an evaluating of a pressure or pressure profile-. Specifically, claim 6 sets forth "evaluating the at least one of the pressure and the pressure profile; [and] controlling the flow dividing device based on the evaluating." Thus, as set forth in claim 6, the recited evaluating is of the pressure and/or pressure profile, and the controlling of the flow dividing device is based on the evaluating. Accordingly, claim 6 indeed recites controlling a flow dividing device based on an evaluating of a pressure or pressure profile.

With respect to the combination of Freze and Schregenberger, it is respectfully submitted that each of these references fails to teach or suggest "controlling the flow dividing device based on the evaluating [of a pressure and/or pressure profile] so as to reduce or set to zero the recirculated air component and to continue a drying process at a reduced volumetric flow rate of the drying air through the drying chamber." The Final Office Action dated September 19, 2008 and Examiner's Answer both acknowledge that Freze does not teach or suggest a pressure sensor. See Detailed Action, page 6, lines 17-19 and Examiner's Answer, page 3, lines 15-17. Because, Freze does not include a pressure sensor, it cannot teach controlling a flow dividing device based on the evaluating of a pressure or pressure profile, as recited in claim 6. With respect to Schregenberger, that reference describes that "a pressure

sensing device 25, used to monitor the pressure of hot gas flowing from the fume incinerator 14, controls the operation of a damper 26 which is utilized to regulate the pressure of hot gas by diverting some of the hot gas through a discharge line 27 into the ambient atmosphere." See Schregenberger, column 4, lines 5-10. Further, the hot gas is mixed with cool gas and the recirculating air in recirculating line 11. There is no indication in Schregenberger that the flow rate through the oven is reduced based on an evaluation of the pressure sensor. Instead, Schregenberger merely states that the damper 26 is used to control pressure flowing from the fume incinerator, and is not used to reduce the flow rate through the oven or set the flow rate through the oven to zero. Moreover, because the flow rate through the oven is also dependent on the cooling air and reciruclating air in recirculating line 11, it is respectfully submitted that there is no indication in Schregenberger of the effects operation of damper 26 will have on the flow rate through the oven. However, Schregenberger specifically describes that when the operation is in balance "there is a constant rate of flow of hot and cool gas to the chambers 34 of the various heat treatment zones 31-33 and a corresponding constant rate of flow of gas exhausted from the composite HV oven to maintain the pressure of the gaseous atmosphere within the chambers 34 at a desired norm." See Schregenberger, column 5, lines 19-24. To the extent that either of Freze and Schregenberger describe a reduction in volumetric flow rate through a drying chamber, such reduction is only in connection with the normal scheduled operation of the device. Neither of these references describe reducing volumetric flow rate based on an evaluating of a pressure and/or pressure profile. Therefore, it would not have been obvious in view of any combination, to the extent proper, of Freze and Schregenberger to control a flow dividing device based on the evaluating of a pressure and/or pressure profile so as to continue a drying process at a reduced volumetric flow rate, as recited in claim 6.

It is respectfully submitted that each of Freze and Schregenberger also fails to teach or suggest "reducing a heating power of the heater based on the reduced volumetric flow rate of the drying air," as recited in claim 6. As set forth above, the combination of Freze and Schregenberger does not teach or suggest reducing the volumetric flow rate of the drying air, and, to the extent that Schregenberger uses a sensing device 25 and damper 26 to monitor the pressure from the fume incinerator, there is no suggestion in Schregenberger to reduce the heating power in the incinerator based on any variations in flow caused by the use of the damper. Because each Freze and Schregenberger fails to teach or suggest the above-recited

feature of amended claim 6, it is respectfully submitted that any combination of the cited references, to the extent proper, could not render claim 6 obvious.

For the foregoing reasons, it is respectfully submitted that claim 6 is patentable over any combination Freze and Schregenberger. Reconsideration and withdrawal of the rejection of claim 6 under 35 U.S.C. § 103(a) based on Freze in view of Schregenberger is respectfully requested.

2. Rejection of claim 6 under 35 U.S.C. § 103(a) based on U.S. Patent No. 4,549,362 to Haried in view of U.S. Patent No. 4,326,342 Schregenberger.

It is respectfully submitted that the Appellant has not narrowly interpreted the prior art references, as asserted in the Examiner's Answer. See Examiner's Answer, page 14, lines 5-6. In contrast, Appellants have considered that which is disclosed in the cited references, and contend that the features recited in claim 6 would not have been obvious in view of what was disclosed in the references. It is respectfully submitted that, although the claims should be examined in accordance with their broadest reasonable interpretation, the references need not be interpreted and should only be read fairly based on that which it discloses.

Moreover, it is respectfully submitted that, contrary to the assertion set forth in the Office Action, Appellants' arguments do not rely on features which are not recited in the claims. See Examiner's Answer, page 14, lines 6-8. Specifically, in contrast to the assertion in the Examiner's Answer, claim 6 does recite -controlling a flow dividing device based on an evaluating of a pressure or pressure profile-. Claim 6 sets forth "evaluating the at least one of the pressure and the pressure profile; [and] controlling the flow dividing device based on the evaluating." Thus, as set forth in claim 6, the recited evaluating is of the pressure and/or pressure profile, and the controlling of the flow dividing device is based on the evaluating. Accordingly, claim 6 indeed recites controlling a flow dividing device based on an evaluating of a pressure or pressure profile.

With respect to the combination of Haried and Schregenberger, it is respectfully submitted that each of these references fails to teach or suggest "controlling the flow dividing device based on the evaluating [of a pressure and/or pressure profile] so as to reduce or set to zero the recirculated air component and to continue a drying process at a reduced volumetric flow rate of the drying air through the drying chamber." The Final Office Action dated

September 19, 2008 and Examiner's Answer both acknowledge that Haried does not teach or suggest a pressure sensor. See Detailed Action, page 7, line 22 to page 8, line 2 and Examiner's answer, page 4, line 22 to page 5, line 3. Because, Haried does not include a pressure sensor, it cannot teach controlling a flow dividing device based on the evaluating of a pressure or pressure profile, as recited in claim 6. With respect to Schregenberger, that reference describes that "a pressure sensing device 25, used to monitor the pressure of hot gas flowing from the fume incinerator 14, controls the operation of a damper 26 which is utilized to regulate the pressure of hot gas by diverting some of the hot gas through a discharge line 27 into the ambient atmosphere." See Schregenberger, column 4, lines 5-10. Further, the hot gas is mixed with cool gas and the recirculating air in recirculating line 11. There is no indication in Schregenberger that the flow rate through the oven is reduced based on an evaluation of the pressure sensor. Instead, Schregenberger merely states that the damper 26 is used to control pressure flowing from the fume incinerator, and is not used to reduce the flow rate through the oven or set the flow rate through the oven to zero. Moreover, because the flow rate through the oven is also dependent on the cooling air and reciruclating air in recirculating line 11, it is respectfully submitted that there is no indication in Schregenberger of the effects operation of damper 26 will have on the flow rate through the oven. However, Schregenberger specifically describes that when the operation is in balance "there is a constant rate of flow of hot and cool gas to the chambers 34 of the various heat treatment zones 31-33 and a corresponding constant rate of flow of gas exhausted from the composite HV oven to maintain the pressure of the gaseous atmosphere within the chambers 34 at a desired norm." See Schregenberger, column 5, lines 19-24. To the extent that either of Haried and Schregenberger describe a reduction in volumetric flow rate through a drying chamber, such reduction is only in connection with the normal scheduled operation of the device. Neither of these references describe reducing volumetric flow rate based on an evaluating of a pressure and/or pressure profile. Therefore, it would not have been obvious in view of any combination, to the extent proper, of Haried and Schregenberger to control a flow dividing device based on the evaluating of a pressure and/or pressure profile so as to continue a drying process at a reduced volumetric flow rate, as recited in claim 6.

It is respectfully submitted that each of Haried and Schregenberger also fails to teach or suggest "reducing a heating power of the heater based on the reduced volumetric flow rate of the drying air," as recited in claim 6. As set forth above, the combination of Haried and Schregenberger does not teach or suggest reducing the volumetric flow rate of the drying air,

and, to the extent that Schregenberger uses a sensing device 25 and damper 26 to monitor the pressure from the fume incinerator, there is no suggestion in Schregenberger to reduce the heating power in the incinerator based on any variations in flow caused by the use of the damper. Because each Haried and Schregenberger fails to teach or suggest the above-recited feature of amended claim 6, it is respectfully submitted that any combination of the cited references, to the extent proper, could not render claim 6 obvious.

For the foregoing reasons, it is respectfully submitted that claim 6 is patentable over any combination Haried and Schregenberger. Reconsideration and withdrawal of the rejection of claim 6 under 35 U.S.C. § 103(a) based on Haried in view of Schregenberger is respectfully requested.

3. Rejection of claim 6 under 35 U.S.C. § 103(a) based on German Patent No. DE 2220425 to Heissmeeier in view of U.S. Patent No. 4,326,342 Schregenberger.

It appears that it was intended that a copy of a translation of Heissmeeier be included with the Examiner's Answer. However, the translated document does not appear to be relevant to the Heissmeeier reference or the pending claims of the present application.

It is respectfully submitted that the Appellant has not narrowly interpreted the prior art references, as asserted in the Examiner's Answer. See Examiner's Answer, page 16, lines 11-12. In contrast, Appellants have considered that which is disclosed in the cited references, and contend that the features recited in claim 6 would not have been obvious in view of what was disclosed in the references. It is respectfully submitted that, although the claims should be examined in accordance with their broadest reasonable interpretation, the references need not be interpreted and should only be read fairly based on that which it discloses.

Moreover, it is respectfully submitted that, contrary to the assertion set forth in the Office Action, Appellants' arguments do not rely on features which are not recited in the claims. See Examiner's Answer, page 16, lines 12-14. Specifically, in contrast to the assertion in the Examiner's Answer, claim 6 does recite -controlling a flow dividing device based on an evaluating of a pressure or pressure profile so as to continue a drying process at a reduced volumetric volume-. Claim 6 sets forth "evaluating the at least one of the pressure and the pressure profile; [and] controlling the flow dividing device based on the evaluating so as to reduce or set to zero the recirculated air component and to continue a drying process at a reduced volumetric flow rate of the drying air through the drying chamber." Thus, as set

forth in claim 6, the recited evaluating is of the pressure and/or pressure profile, and the controlling of the flow dividing device is based on the evaluating so as to reduce or set to zero the recirculated air component *and* to continue a drying process at a reduced volumetric flow rate of the draying air through the drying chamber. Accordingly, claim 6 indeed recites controlling a flow dividing device based on an evaluating of a pressure or pressure profile so as to continue a drying process at a reduced volumetric flow rate.

With respect to the combination of Heissmeeier and Schregenberger, it is respectfully submitted that each of these references fails to teach or suggest "controlling the flow dividing device based on the evaluating [of a pressure and/or pressure profile] so as to reduce or set to zero the recirculated air component and to continue a drying process at a reduced volumetric flow rate of the drying air through the drying chamber." The Final Office Action dated September 19, 2008 and Examiner's Answer both acknowledge that Heissmeeier does not teach or suggest a pressure sensor. See Detailed Action, page 9, lines 5-7 and Examiner's Answer, page 6, lines 7-10. Because, Heissmeeier does not include a pressure sensor, it cannot teach controlling a flow dividing device based on the evaluating of a pressure or pressure profile, as recited in claim 6. With respect to Schregenberger, that reference describes that "a pressure sensing device 25, used to monitor the pressure of hot gas flowing from the fume incinerator 14, controls the operation of a damper 26 which is utilized to regulate the pressure of hot gas by diverting some of the hot gas through a discharge line 27 into the ambient atmosphere." See Schregenberger, column 4, lines 5-10. Further, the hot gas is mixed with cool gas and the recirculating air in recirculating line 11. There is no indication in Schregenberger that the flow rate through the oven is reduced based on an evaluation of the pressure sensor. Instead, Schregenberger merely states that the damper 26 is used to control pressure flowing from the fume incinerator, and is not used to reduce the flow rate through the oven or set the flow rate through the oven to zero. Moreover, because the flow rate through the oven is also dependent on the cooling air and reciruclating air in recirculating line 11, it is respectfully submitted that there is no indication in Schregenberger of the effects operation of damper 26 will have on the flow rate through the oven. However, Schregenberger specifically describes that when the operation is in balance "there is a constant rate of flow of hot and cool gas to the chambers 34 of the various heat treatment zones 31-33 and a corresponding constant rate of flow of gas exhausted from the composite HV oven to maintain the pressure of the gaseous atmosphere within the chambers 34 at a desired norm." See Schregenberger, column 5, lines 19-24. To the extent that either of

Heissmeeier and Schregenberger describe a reduction in volumetric flow rate through a drying chamber, such reduction is only in connection with the normal scheduled operation of the device. Neither of these references describe reducing volumetric flow rate based on an evaluating of a pressure and/or pressure profile. Therefore, it would not have been obvious in view of any combination, to the extent proper, of Heissmeeier and Schregenberger to control a flow dividing device based on the evaluating of a pressure and/or pressure profile so as to continue a drying process at a reduced volumetric flow rate, as recited in claim 6.

It is respectfully submitted that each of Heissmeeier and Schregenberger also fails to teach or suggest "reducing a heating power of the heater based on the reduced volumetric flow rate of the drying air," as recited in claim 6. As set forth above, the combination of Heissmeeier and Schregenberger does not teach or suggest reducing the volumetric flow rate of the drying air, and, to the extent that Schregenberger uses a sensing device 25 and damper 26 to monitor the pressure from the fume incinerator, there is no suggestion in Schregenberger to reduce the heating power in the incinerator based on any variations in flow caused by the use of the damper. Because each Heissmeeier and Schregenberger fails to teach or suggest the above-recited feature of amended claim 6, it is respectfully submitted that any combination of the cited references, to the extent proper, could not render claim 6 obvious.

For the foregoing reasons, it is respectfully submitted that claim 6 is patentable over any combination Heissmeeier and Schregenberger. Reconsideration and withdrawal of the rejection of claim 6 under 35 U.S.C. § 103(a) based on Heissmeeier in view of Schregenberger is respectfully requested.

4. Rejection of claim 6 under 35 U.S.C. § 103(a) based on Freze in view of U.S. Patent No. 3,538,614 to Weimer et al. ("Weimer").

It is respectfully submitted that the Appellant has not narrowly interpreted the prior art references, as asserted in the Examiner's Answer. See Examiner's Answer, page 18, lines 19-20. In contrast, Appellants have considered that which is disclosed in the cited references, and contend that the features recited in claim 6 would not have been obvious in view of what was disclosed in the references. It is respectfully submitted that, although the claims should be examined in accordance with their broadest reasonable interpretation, the references need not be interpreted and should only be read fairly based on that which it discloses.

Moreover, it is respectfully submitted that, contrary to the assertion set forth in the Office Action, Appellants' arguments do not rely on features which are not recited in the claims. See Examiner's Answer, page 18, line 20 to page 19, line 2. Specifically, in contrast to the assertion in the Examiner's Answer, claim 6 does recite -controlling a flow dividing device based on an evaluating of a pressure or pressure profile-. Claim 6 sets forth "evaluating the at least one of the pressure and the pressure profile; [and] controlling the flow dividing device based on the evaluating." Thus, as set forth in claim 6, the recited evaluating is of the pressure and/or pressure profile, and the controlling of the flow dividing device is based on the evaluating. Accordingly, claim 6 indeed recites controlling a flow dividing device based on an evaluating of a pressure or pressure profile.

Independent claim 6 of the present application recites "measuring, by a sensor, at least one of a pressure and a pressure profile in an air stream of the process air circuit in an area where the drying air enters the drying chamber; evaluating the at least one of the pressure and the pressure profile; controlling the flow dividing device based on the evaluating so as to reduce or set to zero the recirculated air component and to continue a drying process at a reduced volumetric flow rate of the drying air through the drying chamber." It is respectfully submitted that each of Freze and Weimer fails to teach or suggest controlling a flow dividing device based on an evaluating of a pressure or pressure profile measured by a sensor in an area where the drying air enters the drying chamber so as to continue a drying process at a reduced volumetric flow rate. The Final Office Action dated September 19, 2008 and the Examiner's Answer acknowledge that Freze does not teach or suggest a pressure sensor. See Detailed Action, page 6, lines 17-19 and Examiner's Answer, page 7, lines 15-17. Because, Freze does not include a pressure sensor, it cannot teach controlling a flow dividing device based on the evaluating of a pressure or pressure profile, as recited in claim 6. With respect to Weimer, that reference describes the use of a pressure sensor 58 inside the combustion zone and fan dampers 20 and 48 which control the volume of recycled gas to the combustion chamber. See Weimer, column 5, lines 31-40. The pressure sensor 58 does not measure a pressure or pressure profile in an area where the drying air enters the drying chamber, as recited in claim 6. Moreover, there is no indication in Weimer that the flow rate through a drying chamber is reduced based on an evaluation of the pressure sensor. Weimer merely states that the recirculated air to the combustion chamber is controlled using dampers 20 and 48. However, the combustion chamber of Weimer also receives oxygen-rich primary combustion air that enters the combustion chamber upstream of the recycled air. See

Weimer, column 4, lines 29-34. Accordingly, because the primary combustion air also enters the combustion chamber, it cannot be concluded that a change in the recycled gas results in a change in the volumetric flow rate of drying air through the drying chamber. Thus, there is no teaching or suggestion in Weimer to control a flow dividing device based on an evaluating of a pressure or pressure profile so as to continue a drying process at a reduced volumetric flow rate, as recited in claim 6. To the extent that either of Freze or Weimer describe a reduction in volumetric flow rate through a drying chamber, such reduction is only in connection with the normal scheduled operation of the device. Neither of these references describe reducing volumetric flow rate based on an evaluating of a pressure and/or pressure profile. Therefore, it would not have been obvious in view of any combination, to the extent proper, of Freze and Weimer to control a flow dividing device based on the evaluating of a pressure and/or pressure profile so as to continue a drying process at a reduced volumetric flow rate, as recited in claim 6.

It is respectfully submitted that each of Freze and Weimer also fails to teach or suggest "reducing a heating power of the heater based on the reduced volumetric flow rate of the drying air," as recited in claim 6. As set forth above, the combination of Freze and Weimer does not teach or suggest reducing the volumetric flow rate of the drying air. To the extent that Weimer uses a sensor 58 and dampers 20 and 48 to vary recycled gas to the combustion chamber, there is no suggestion in Weimer to reduce the heating power of the combustion chamber based on any variations in the flow of recycled gas. Indeed, because the recycled gas is "substantially devoid of oxygen" (see Weimer, column 4, lines 26-27) there would be no reason to vary the fuel used in the combustion chamber based on variance in the recycled gas. Thus, there would be no reason for a person of ordinary skill in the art to reduce the heating power of the combustion chamber of Weimer based on the described changes in air flow caused by dampers 20 and 48. Because each Freze and Weimer fails to teach or suggest the above-recited feature of amended claim 6, it is respectfully submitted that any combination of the cited references, to the extent proper, could not render claim 6 obvious.

For the foregoing reasons, it is respectfully submitted that claim 6 is patentable over any combination Freze and Weimer. Reconsideration and withdrawal of the rejection of claim 6 under 35 U.S.C. § 103(a) based on Freze in view of Weimer is respectfully requested.

5. Rejection of claim 6 under 35 U.S.C. § 103(a) based on U.S. Patent No. 4,549,362 to Haried in view of U.S. Patent No. 3,538,614 to Weimer et al. ("Weimer").

It is respectfully submitted that the Appellant has not narrowly interpreted the prior art references, as asserted in the Examiner's Answer. See Examiner's Answer, page 21, lines 6-7. In contrast, Appellants have considered that which is disclosed in the cited references, and contend that the features recited in claim 6 would not have been obvious in view of what was disclosed in the references. It is respectfully submitted that, although the claims should be examined in accordance with their broadest reasonable interpretation, the references need not be interpreted and should only be read fairly based on that which it discloses.

Moreover, it is respectfully submitted that, contrary to the assertion set forth in the Office Action, Appellants' arguments do not rely on features which are not recited in the claims. See Examiner's Answer, page 21, lines 7-10. Specifically, in contrast to the assertion in the Examiner's Answer, claim 6 does recite -controlling a flow dividing device based on an evaluating of a pressure or pressure profile-. Claim 6 sets forth "evaluating the at least one of the pressure and the pressure profile; [and] controlling the flow dividing device based on the evaluating." Thus, as set forth in claim 6, the recited evaluating is of the pressure and/or pressure profile, and the controlling of the flow dividing device is based on the evaluating. Accordingly, claim 6 indeed recites controlling a flow dividing device based on an evaluating of a pressure or pressure profile.

Independent claim 6 of the present application recites "measuring, by a sensor, at least one of a pressure and a pressure profile in an air stream of the process air circuit in an area where the drying air enters the drying chamber; evaluating the at least one of the pressure and the pressure profile; controlling the flow dividing device based on the evaluating so as to reduce or set to zero the recirculated air component and to continue a drying process at a reduced volumetric flow rate of the drying air through the drying chamber." It is respectfully submitted that each of Haried and Weimer fails to teach or suggest controlling a flow dividing device based on an evaluating of a pressure or pressure profile measured by a sensor in an area where the drying air enters the drying chamber so as to continue a drying process at a reduced volumetric flow rate. The Final Office Action dated September 19, 2008 and the Examiner's Answer acknowledge that Haried does not teach or suggest a pressure sensor. See Detailed Action, page 7, line 22 to page 8, line 2 and the Examiner's Answer, page 8, lines 20-22. Because, Haried does not include a pressure sensor, it cannot teach controlling a

flow dividing device based on the evaluating of a pressure or pressure profile, as recited in claim 6. With respect to Weimer, that reference describes the use of a pressure sensor 58 inside the combustion zone and fan dampers 20 and 48 which control the volume of recycled gas to the combustion chamber. See Weimer, column 5, lines 31-40. The pressure sensor 58 does not measure a pressure or pressure profile in an area where the drying air enters the drying chamber, as recited in claim 6. Moreover, there is no indication in Weimer that the flow rate through a drying chamber is reduced based on an evaluation of the pressure sensor. Weimer merely states that the recirculated air to the combustion chamber is controlled using dampers 20 and 48. However, the combustion chamber of Weimer also receives oxygen-rich primary combustion air that enters the combustion chamber upstream of the recycled air. See Weimer, column 4, lines 29-34. Accordingly, because the primary combustion air also enters the combustion chamber, it cannot be concluded that a change in the recycled gas results in a change in the volumetric flow rate of drying air through the drying chamber. Thus, there is no teaching or suggestion in Weimer to control a flow dividing device based on an evaluating of a pressure or pressure profile so as to continue a drying process at a reduced volumetric flow rate, as recited in claim 6. To the extent that either of Haried or Weimer describe a reduction in volumetric flow rate through a drying chamber, such reduction is only in connection with the normal scheduled operation of the device. Neither of these references describe reducing volumetric flow rate based on an evaluating of a pressure and/or pressure profile. Therefore, it would not have been obvious in view of any combination, to the extent proper, of Haried and Weimer to control a flow dividing device based on the evaluating of a pressure and/or pressure profile so as to continue a drying process at a reduced volumetric flow rate, as recited in claim 6.

It is respectfully submitted that each of Haried and Weimer also fails to teach or suggest "reducing a heating power of the heater based on the reduced volumetric flow rate of the drying air," as recited in claim 6. As set forth above, the combination of Haried and Weimer does not teach or suggest reducing the volumetric flow rate of the drying air. To the extent that Weimer uses a sensor 58 and dampers 20 and 48 to vary recycled gas to the combustion chamber, there is no suggestion in Weimer to reduce the heating power of the combustion chamber based on any variations in the flow of recycled gas. Indeed, because the recycled gas is "substantially devoid of oxygen" (see Weimer, column 4, lines 26-27) there would be no reason to vary the fuel used in the combustion chamber based on variance in the recycled gas. Thus, there would be no reason for a person of ordinary skill in the art to

reduce the heating power of the combustion chamber of Weimer based on the described changes in air flow caused by dampers 20 and 48. Because each Haried and Weimer fails to teach or suggest the above-recited feature of amended claim 6, it is respectfully submitted that any combination of the cited references, to the extent proper, could not render claim 6 obvious.

For the foregoing reasons, it is respectfully submitted that claim 6 is patentable over any combination Haried and Weimer. Reconsideration and withdrawal of the rejection of claim 6 under 35 U.S.C. § 103(a) based on Haried in view of Weimer is respectfully requested.

6. Rejection of claim 6 under 35 U.S.C. § 103(a) based on German Patent No. DE 2220425 to Heissmeeier in view of U.S. Patent No. 3,538,614 to Weimer et al. ("Weimer").

It is respectfully submitted that the Appellant has not narrowly interpreted the prior art references, as asserted in the Examiner's Answer. See Examiner's Answer, page 23, lines 9-10. In contrast, Appellants have considered that which is disclosed in the cited references, and contend that the features recited in claim 6 would not have been obvious in view of what was disclosed in the references. It is respectfully submitted that, although the claims should be examined in accordance with their broadest reasonable interpretation, the references need not be interpreted and should only be read fairly based on that which it discloses.

Moreover, it is respectfully submitted that, contrary to the assertion set forth in the Office Action, Appellants' arguments do not rely on features which are not recited in the claims. See Examiner's Answer, page 23, lines 10-13. Specifically, in contrast to the assertion in the Examiner's Answer, claim 6 does recite -controlling a flow dividing device based on an evaluating of a pressure or pressure profile-. Claim 6 sets forth "evaluating the at least one of the pressure and the pressure profile; [and] controlling the flow dividing device based on the evaluating." Thus, as set forth in claim 6, the recited evaluating is of the pressure and/or pressure profile, and the controlling of the flow dividing device is based on the evaluating. Accordingly, claim 6 indeed recites controlling a flow dividing device based on an evaluating of a pressure or pressure profile.

Independent claim 6 of the present application recites "measuring, by a sensor, at least one of a pressure and a pressure profile in an air stream of the process air circuit in an area

where the drying air enters the drying chamber; evaluating the at least one of the pressure and the pressure profile; controlling the flow dividing device based on the evaluating so as to reduce or set to zero the recirculated air component and to continue a drying process at a reduced volumetric flow rate of the drying air through the drying chamber." It is respectfully submitted that each of Freze and Weimer fails to teach or suggest controlling a flow dividing device based on an evaluating of a pressure or pressure profile measured by a sensor in an area where the drying air enters the drying chamber so as to continue a drying process at a reduced volumetric flow rate. The Final Office Action dated September 19, 2008 and Examiner's Answer acknowledge that Heissmeeier does not teach or suggest a pressure sensor. See Detailed Action, page 9, lines 5-7 and Examiner's Answer, page 10, lines 3-5. Because, Heissmeeier does not include a pressure sensor, it cannot teach controlling a flow dividing device based on the evaluating of a pressure or pressure profile, as recited in claim 6. With respect to Weimer, that reference describes the use of a pressure sensor 58 inside the combustion zone and fan dampers 20 and 48 which control the volume of recycled gas to the combustion chamber. See Weimer, column 5, lines 31-40. The pressure sensor 58 does not measure a pressure or pressure profile in an area where the drying air enters the drying chamber, as recited in claim 6. Moreover, there is no indication in Weimer that the flow rate through a drying chamber is reduced based on an evaluation of the pressure sensor. Weimer merely states that the recirculated air to the combustion chamber is controlled using dampers 20 and 48. However, the combustion chamber of Weimer also receives oxygen-rich primary combustion air that enters the combustion chamber upstream of the recycled air. See Weimer, column 4, lines 29-34. Accordingly, because the primary combustion air also enters the combustion chamber, it cannot be concluded that a change in the recycled gas results in a change in the volumetric flow rate of drying air through the drying chamber. Thus, there is no teaching or suggestion in Weimer to control a flow dividing device based on an evaluating of a pressure or pressure profile so as to continue a drying process at a reduced volumetric flow rate, as recited in claim 6. To the extent that either of Freze or Weimer describe a reduction in volumetric flow rate through a drying chamber, such reduction is only in connection with the normal scheduled operation of the device. Neither of these references describe reducing volumetric flow rate based on an evaluating of a pressure and/or pressure profile. Therefore, it would not have been obvious in view of any combination, to the extent proper, of Heissmeeier and Weimer to control a flow dividing device based on the evaluating of a pressure and/or pressure profile so as to continue a drying process at a reduced volumetric flow rate, as recited in claim 6.

It is respectfully submitted that each of Heissmeeier and Weimer also fails to teach or suggest "reducing a heating power of the heater based on the reduced volumetric flow rate of the drying air," as recited in claim 6. As set forth above, the combination of Heissmeeier and Weimer does not teach or suggest reducing the volumetric flow rate of the drying air. To the extent that Weimer uses a sensor 58 and dampers 20 and 48 to vary recycled gas to the combustion chamber, there is no suggestion in Weimer to reduce the heating power of the combustion chamber based on any variations in the flow of recycled gas. Indeed, because the recycled gas is "substantially devoid of oxygen" (see Weimer, column 4, lines 26-27) there would be no reason to vary the fuel used in the combustion chamber based on variance in the recycled gas. Thus, there would be no reason for a person of ordinary skill in the art to reduce the heating power of the combustion chamber of Weimer based on the described changes in air flow caused by dampers 20 and 48. Because each Heissmeeier and Weimer fails to teach or suggest the above-recited feature of amended claim 6, it is respectfully submitted that any combination of the cited references, to the extent proper, could not render claim 6 obvious.

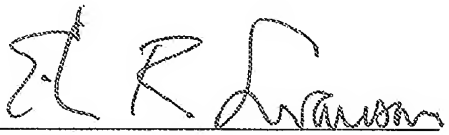
For the foregoing reasons, it is respectfully submitted that claim 6 is patentable over any combination Heissmeeier and Weimer. Reconsideration and withdrawal of the rejection of claim 6 under 35 U.S.C. § 103(a) based on Heissmeeier in view of Weimer is respectfully requested.

CONCLUSION

It is respectfully submitted that the application is in condition for allowance. Favorable consideration of this reply brief is respectfully requested.

The Commissioner is hereby authorized to charge any unpaid fees deemed required in connection with this submission, including any additional filing or application processing fees required under 37 C.F.R. §1.16 or 1.17, or to credit any overpayment, to Deposit Account No. 04-0100.

Respectfully submitted,

Dated: October 9, 2009 By: 

Erik R. Swanson
Reg. No. 40,833

DARBY & DARBY P.C.
P.O. Box 5257
New York, NY 10150-5257
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Appellants

APPENDIX A

Claims Involved in the Appeal of Application Serial No. 10/576,455

Claims 1-5 (canceled).

Claim 6 (Previously Presented): A method for drying laundry in a laundry dryer having a program control device, a drying chamber and a process air circuit including a fresh air supply passageway and an exhaust air discharge passageway, the process air circuit having disposed therein a heater and a blower for conveying drying air through the drying chamber, the method comprising:

providing a flow dividing device in the process air circuit configured to divide, into an exhaust air component and a recirculated air component, a flow of the drying air;

measuring, by a sensor, at least one of a pressure and a pressure profile in an air stream of the process air circuit in an area where the drying air enters the drying chamber;

evaluating the at least one of the pressure and the pressure profile;

controlling the flow dividing device based on the evaluating so as to reduce or set to zero the recirculated air component and to continue a drying process at a reduced volumetric flow rate of the drying air through the drying chamber; and

reducing a heating power of the heater based on the reduced volumetric flow rate of the drying air.

Claim 7 (canceled)

Claim 8 (Previously Presented): A laundry dryer comprising:

a program control module;

a drying chamber including a rotatable drum;

a process air circuit including a fresh air supply passageway, an exhaust air discharge passageway and a stationary heating duct;

a heater disposed in the process air circuit;

a blower disposed in the process air circuit and configured to convey drying air through the drying chamber;

a pressure sensor disposed in an area where the drying air enters the drying chamber in a space between the stationary heating duct and the rotatable drum, the pressure sensor being configured to measure at least one of a pressure and a pressure profile in the drying chamber; and

a flow dividing device disposed in the process air circuit and configured to controllably divide a flow of the drying air into an exhaust air component and a recirculated air component, the flow dividing device including a shut-off damper configured to completely or partially close an air path of the recirculated air component based on the measured at least one of a pressure and a pressure profile.

Claim 9 (canceled)

Claim 10 (Previously Presented): The laundry dryer as recited in claim 8 wherein the pressure sensor is disposed in an area where the drying air enters the drying chamber.

APPENDIX B

No evidence pursuant to §§ 1.130, 1.131, or 1.132 or entered by or relied upon by the examiner is being submitted.

APPENDIX C

No related proceedings are referenced in II. above, hence copies of decisions in related proceedings are not provided.